

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**DATE:** June 3, 2013

**LEONARD DAVIS**  
**Judge Presiding**

Court Reporters: Shea Sloan  
Judy Werlinger

Law Clerk: Blaine Larson  
Chief Staff Attorney: Nicole Mitchell

Court Administrator: Rosa L Ferguson

**ERICSSON, INC, ET AL**

**V**

**D-LINK CORPORATION, ET AL**

**CIVIL ACTION NO: 6:10-CV-473  
JURY SELECTION & TRIAL**

**ATTORNEYS FOR PLAINTIFF**

**ATTORNEYS FOR DEFENDANTS**

**SEE SIGN-IN SHEETS**

On this day, came the parties by their attorneys and the following proceedings were had:

**OPEN:** 8:55 AM

**ADJOURN:** 4:15 PM

<b>TIME:</b>	<b>MINUTES:</b>
8:55 AM	Pretrial Hearing prior to jury selection:
	Court asked if parties needed to take up anything.
	Mr. Van Nest addressed the Court
	Mr. Cawley addressed the Court and may have some objections, but not for today's witnesses.
	Mr. Van Nest addressed the Court and parties have agreement with respect to openings, but parties not waiving any objection to any evidence that might be shown on the slides.
9:00 am	Court in recess awaiting Jury Panel.
9:15 am	<b>Jury Panel seated in the courtroom.</b>
	Case called.
	Court addressed the Jury panel and welcomed them to jury service.
	Court gave the jury a brief overview of the case and gave them the tentative schedule.
	Court conducted voir dire examination of the Jury Panel.
	Court asked counsel for the parties to introduce themselves, co-counsel, clients and any witnesses from the East Texas area.
	Mr. Cawley introduced himself, client, and co-counsel, and client, Gustav Brismark (Ericsson), and advised Plaintiff has no witnesses from the East Texas area. Court inquired if anyone knew those mentioned by Mr. Cawley. No response.
	Mr. Jones introduced himself; clients, James Johnson (Intel Corp.); Brian Busse (Netgear);

TIME:	MINUTES:
	Brett McAnally (Dell); David Harshman(Toshiba); Kate Shang (Acer); Mei Chou and with her Martha Hopkins (D-Link); Tom Triggs (Belkin); and co-counsel, and advised Defendant has one witness, Dr. Ray Perryman, from the Lindale Texas area. Court inquired if anyone knew those mentioned by Jones. Juror No. 5 & 14 responded.
	Mr. Cawley conducted voir dire examination of the jury panel on behalf of Plaintiff.
	Mr. Jones conducted voir dire examination of the jury panel on behalf of Defendant.
	Court addressed the Jury Panel and asked additional questions.
	Court asked to see counsel at the bench. Court and parties discussed challenges for cause. Court will excuse for cause Jurors No. 4, 13 & 14.
	Court will allow the panel to take a 20 minute break until 11:25 am and gave instructions to not discuss this case.
11:05 am	Jury panel excused.
	Court addressed the parties and asked to approach the bench. Court will give the attorneys 8 peremptory strikes.
11:05 am	Court in recess.
11:30 am	Trial resumed. <b>Jury Panel seated in Courtroom.</b>
	Court asked Clerk to read the names of the jurors selected. Clerk read the 8 names of the jurors. Court asked the Clerk to administer oath to Jury Panel. <b>Jury sworn.</b>
	Court addressed the Jury and will be breaking for lunch. Court advised the Jury that lunch will be provided during the trial. Court gave the Jury some brief instructions.
	Court thanked and excused the remaining Jury Panel. Court addressed the Jury and gave them a brief outline of this afternoon's proceedings.
11:40 am	Court in recess until 12:20 a.m.
12:20 pm	Trial resumed. <b>Jury seated in the courtroom.</b>
	Court gave the Jury some preliminary instructions.
12:55 pm	Court excused the Jury for 5 minutes. Court asked to see counsel at the bench. (Bench Conference held). Court addressed the gallery and asked that people find a seat. Court in recess.
1:10 pm	<b>Trial resumed. Jury not present in the courtroom.</b> Court addressed the parties and gallery regarding seating and asked those standing to find a seat. Court asked everyone to shift over to allow for more seating. Court asked for the Jury. <b>Jury seated in the courtroom.</b>
	Mr. Stevenson presented opening statement on behalf of the Plaintiffs to the Jury.
	Mr. Van Nest presented opening statement on behalf of the Defendants to the Jury.
2:25 pm	Court in recess until 2:40 pm.
2:40 pm	Trial resumed. Jury seated in the Courtroom. Court addressed Jury and explained the procedure for submission of exhibits.
	Court asked for exhibits to be tendered.
	Ms. Moore tendered Plaintiffs' Pre-Admitted Exhibit List for June 3, 2013, and List was marked as <b>Plaintiffs' Exhibit List 1.</b> Without objection, exhibits on list admitted. Admitted Exhibits: <b>Plaintiff's Exhibit 1-11, 101, 204, 260, 266, 283 – 287, 291, 293, 294, 398, 407 – 412, 478, 504, 507, 511 and 515.</b>
	Mr. DeVries tendered Defendants' List of Pre-Admitted Exhibit List for June 3, 2013, and

TIME:	MINUTES:
	List was marked as <b>Defendants' Exhibit List 1</b> . Without objection exhibits on list admitted. Admitted Exhibits: <b>Defendants' Exhibit 1, 2, 6 – 8, 10 – 14, 19, 21, 51, 58, 62, 64, 65, 78, 81, 85, 97 – 99, 101, 107 (RFA 15 only), 108 – 110, 132, 151, 154, 169, 220 (Rogg. No. 9), 248, 286, 313, 320, 321, 327, 330, 357, 448, 449, 537, and 539.</b>
	Court asked plaintiff to call its first witness. Mr. Cawley asked for the Rule to be invoked. Court explained the Rule to the participants.
	Court asked everyone who is to be a witness to stand and state their names.
	<b>Gustav Brismark, James Johnson, Brett McAnally, David Cabello, Matthew Shoemake, John Bone, Ray Perryman, Christina Peterson, Joel Williams, Chris Heegard</b> stood and stated their names. Witnesses sworn.
	Court excused those who are neither an expert nor party representative from the Courtroom.
	Mr. Cawley called <b>Mr. GUSTAV BRISMARK</b> called to the witness stand. Witness previously sworn.
	Direct examination of by Mr. Brismark by Mr. Cawley.
	Court addressed the Jury and will recess for the day. Court reminded Jury of its instructions. Jury Excused.
	Court gave the parties their times. Plaintiff has used 1 Hour and 13 Minutes. The Defendants have not used any time.
	Mr. Cawley addressed the Court on depositions and stipulation on notice.
	Mr. Cawley addressed the Court on Ericsson witnesses and direct examination and plaintiff would like to proceed by playing the direct examination first, and then play the parts of the defendants. Mr. DeVries responded. Court agreed
	Mr. Cawley addressed the Court on notice and the stipulation on notice. The remaining issue – Ericsson witness on the stand – did you give notice to the Defendants and then ask the Court to read the stipulation. Mr. DeVries responded as to Dkt #474 and expressed their concerns. Mr. Cawley replied. Court asked to see a copy of the stipulation. Mr. Dauchot addressed the Court on the stipulation. Mr. Cawley responded. Court inquired regarding the HP letter and Mr. Cawley does intend to offer. Mr. Dauchot objects to that exhibit coming in. Mr. Cawley responded. Court and parties continued to discuss. Court overrules objection.
4:15 pm	There being nothing further, Court adjourned for the day.